

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PHILLIP HAMBLY,

Plaintiff,

v.

No. CIV 11-320 WJ/LFG

UNITED STATES POSTAL SERVICE,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION
AND DISMISSING LAWSUIT, WITH PREJUDICE**

THIS MATTER is before the Court based on the Magistrate Judge's entry of "Recommendation of Dismissal With Prejudice," filed January 3, 2012. [Doc. 12.] The Magistrate Judge recommended dismissal of Plaintiff Phillip Hambly's ("Mr. Hambly") lawsuit, with prejudice, as a result of Mr. Hambly's failure to comply with D.N.M.LR-Civ. 83-6,¹ failure to respond to the Court's earlier Order to Show Cause [Doc. 11], and his apparent abandonment of this lawsuit.


Mr. Hambly did not file a response to the United States Postal Service's Motion to Dismiss, that was filed on June 3, 2011. [Doc. 7.] In addition, he did not respond to the Magistrate Judge's December 9, 2011 Order to Show Cause why his complaint should not be dismissed for failing to respond to the motion to dismiss. Moreover, Mr. Hambly did not file a response to the Magistrate Judge's January 3, 2012 Order to Show Cause [Doc. 12], and the time for doing so expired on January 20, 2012.

¹Mr. Hambly provided the Court with a mailing address, that he apparently did not update. His mail has been returned to the Court. [See, e.g., Doc. 11.]

The Court agrees with the Magistrate Judge's finding that Mr. Hambly apparently abandoned this litigation. The Magistrate Judge carefully set forth the pertinent legal standard and analysis regarding the imposition of a sanction, including a dismissal of the lawsuit, with prejudice. The Magistrate Judge specifically advised Mr. Hambly that his failure to respond to the motions and order would result in dismissal. [Doc. 12, at 2-3.]

IT IS HEREBY ORDERED that the Magistrate Judge's Recommendation of Dismissal with Prejudice [Doc. 12] is adopted by the Court.

IT IS FURTHER ORDERED that Plaintiff's complaint and this action are DISMISSED, with prejudice.



UNITED STATES DISTRICT COURT